LeMond Cycling, Inc. v. Trek Bicycle Corporation Doc. 139

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LEMOND CYCLING, INC.,

Plaintiff,

v.

TREK BICYCLE CORPORATION,

Defendant and Third-Party Plaintiff,

v.

GREG LEMOND,

Third-Party Defendant.

Case No. 08-CV-1010 (RHK-JSM)

DECLARATION OF EMILY S. ZASTROW IN SUPPORT OF TREK'S MEMORANDUM IN OPPOSITION TO LEMOND'S MOTION FOR SUMMARY JUDGMENT

STATE OF WISCONSIN)
) SS.
MILWAUKEE COUNTY)

I, EMILY S. ZASTROW, declare as follow:

I am an adult resident of the State of Wisconsin and am a paralegal employed by Gass Weber Mullins LLC, counsel for Trek in this action. I make this Declaration on personal knowledge and in support of Trek's Memorandum in Opposition to LeMond's Motion for Summary Judgment.

1. Attached as Exhibit 45 are true and correct copies of the audio files of the August 13, 2001 telephone conversations between Greg LeMond and John Burke (LCI 04779), and the audio file of the August 1, 2006 telephone conversation between Greg LeMond and Dan Thornton (LCI 05734).

2. Attached as Exhibit 46 is a true and correct copy of the video file of a July 15, 2004 ESPN Sports Center broadcast.

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3. Attached as Exhibit 47 is a true and correct copy of the video file of the August 1, 2006 "Just Shut Up" segment from ESPN's Mike and Mike in the Morning broadcast.

4. Attached as Exhibit 48 are true and correct copies of pages from the April 7, 2009 deposition testimony of Mr. John Burke.

5. Attached as Exhibit 49 are true and correct copies of pages from the May 14, 2009 deposition testimony of Mr. Malcolm Davies.

6. Attached as Exhibit 50 are true and correct copies of pages from the July 14, 2009 deposition testimony of Mr. Thomas Fox.

7. Attached as Exhibit 51 are true and correct copies of pages from the March 17, 2009 deposition testimony of Mr. Warren Gibson.

8. Attached as Exhibit 52 are true and correct copies of pages from the May 14, 2009 deposition testimony of Mr. Dean Gore.

9. Attached as Exhibit 53 are true and correct copies of pages from the January 5, 2009 deposition testimony of Ms. Elisabeth Huber.

10. Attached as Exhibit 54 are true and correct copies of pages from the May 11, 2009 deposition testimony of Mr. Kevin Ishaug.

11. Attached as Exhibit 55 are true and correct copies of pages from the June 29, 2004 deposition testimony of Mr. Greg LeMond in the case *LeMond Cycling, Inc. v. PTI Holding, Inc., et al.* (Case No. 03-5441).

12. Attached as Exhibit 56 are true and correct copies of pages from the December 15, 2008 deposition testimony of Mr. Greg LeMond in the instant case.

13. Attached as Exhibit 57 are true and correct copies of pages from the July 24, 2009 deposition testimony of Mr. Jay Townley.

14. Attached as Exhibit 58 are true and correct copies of a January 17, 1995 memo from John Burke to Greg LeMond (TREK000660) and a February 20, 1995 memo from John Burke to Greg LeMond (TREK000650-652).

15. Attached as Exhibit 59 are true and correct copies of the following news articles:

Date	Publication	Article Title
8/5/99	Boston Herald	Tour victory has cyclists all geared up
8/17/08	Seattle Times	A bicycle built for…really big wheeler-dealers (subheading: Keeping Up With Lance)
4/23/06	Boston Globe	Would You Spend $14,000 for this Bike?

16. Attached as Exhibit 60 is a true and correct copy of the Complaint which LeMond served on Trek on December 8, 2004.

17. Attached as Exhibit 61 is a true and correct copy of Trek's anti-doping clause in its contracts (TREK004989-4990).

18. Attached as Exhibit 62 and true and correct copies of the following news articles:

Date	Publication	Article Title
8/4/01	The London Mirror	Lance Fury at Greg Jibe
8/16/01	Houston Chronicle	LeMond Late With Apology

19. Attached as Exhibit 63 is a true and correct copy of a Summary Chart of Media Coverage.

20. Attached as Exhibit 64 are true and correct copies of the following news articles:

Date	Publication	Article Title
7/15/04	FOXSports.com	LeMond not sure Armstrong's Clean
7/15/04	Tourdefrancenews.com	LeMond Blasts Armstrong
7/16/04	Los Angeles Times	Armstrong Vents Some Anger – Five-Time Champion…Shakes Head in Response to Criticism by LeMond

21. Attached as Exhibit 65 is a true and correct copy of an August 10, 2004 letter from Loren Brown to Greg LeMond (TREK000834-836).

22. Attached as Exhibit 66 are true and correct copies of a November 11, 2004 letter from Bob Burns to Sidney Bluming (TREK000893-894) and a November 29, 2004 letter from Sidney Bluming to Bob Burns (TREK000897).

23. Attached as Exhibit 67 is a true and correct copy of an April 6, 2005 letter from John Burke to Greg LeMond (TREK000982).

24. Attached as Exhibit 68 are true and correct copies of an April 12, 2005 email from Greg LeMond to John Burke (TREK000984) and a December 15, 2005 email from Greg LeMond to John Burke (TREK000988).

25. Attached as Exhibit 69 are true and correct copies of the following news articles:

Date	Publication	Article Title
6/25/06	SportsIllustrated.com	LeMond: Lance Threatened Me
6/26/06	Chicago Tribune	Report: LeMond Says Armstrong Threatened Life
7/31/06	National Ledger	Landis Doping Charge Gives LeMond a Chance to Rip Lance Armstrong

26. Attached as Exhibit 70 is a true and correct copy of the transcript for the August 1, 2006 telephone conversation between Greg LeMond and Dan Thornton.

27. Attached as Exhibit 71 is a true and correct copy of the transcript for the August 1, 2006 "Just Shut Up" segment from ESPN's Mike and Mike in the Morning broadcast.

28. Attached as Exhibit 72 are true and correct copies of an October 9, 2007 email from Harald Schmiedel to Malcolm Davies and an October 9, 2007 email from Malcolm Davies to John Burke and Bob Burns (TREK005014).

29. Attached as Exhibit 73 is a true and correct copy of a December 8, 2007 email from John Burke to Greg LeMond (TREK001026).

30. Attached as Exhibit 74 is a true and correct copy of the "2001 Fisher & LeMond Price List" (GIBSON000373-374, Gibson Dep. Exh. No. 132).

30. Attached as Exhibit 75 is a true and correct copy of page 128 from Bicycling's June 2008 edition (TREK010102).

31. Attached as Exhibit 76 are true and correct copies of pages from the April 22, 2009 deposition testimony of Ms. Mary Haigh.

FURTHER AFFIANT SAYETH NOT.

s/ Emily S. Zastrow
Emily S. Zastrow

STATE OF WISCONSIN)
) SS.
MILWAUKEE COUNTY)

SUBSCRIBED AND SWORN to before me
this 5th day of August, 2009, by Emily S. Zastrow.

s/ Joan M. Latawiec
Notary Public, State of Wisconsin
My commission expires: 7/21/2013